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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,773	05/25/2001	Aruna Rohra Suda	103251.58983US	5757

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EXAMINER

PULLIAM, CHRISTYANN R

ART UNIT	PAPER NUMBER
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2165

MAIL DATE	DELIVERY MODE
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08/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/865,773	Applicant(s) SUDA ET AL.	
	Examiner Christyann RF Pulliam	Art Unit 2165	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☒ Applicant's reply has overcome the following rejection(s): 101 and 112 rejections.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1,50,52-57,59-61,63,64,66,67,69,72,73,75-77,93,97,99,101-145 and 147-178.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Christian P. Chace/
Supervisory Patent Examiner, Art Unit 2165

/C. R. P./
Examiner, Art Unit 2165

Continuation of 11. does NOT place the application in condition for allowance because: the double patenting and prior art rejections remain.

Applicant reiterates arguments that Barrera and Cole do not teach "web data browsed by a browser client when the browser client newly browses the web page data."

Barrera does not specifically teach, "newly browses the web page data", although Barrera does teach web page data acquiring as detailed in col. 4, line 26-30. However, Cole teaches newly browses the web page data (See e.g. Cole – col. 6, line 36-40, line 46-48, line 61-67, col. 7, line 1-2, fig 3, fig 8, newly browses the web page data corresponds to categories containing new entries as detailed in fig 3,8).

Barrera and Cole are from the analogous art of searching and arranging web pages (See Barrera: Abstract, fig 6; Cole: Abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made having the teachings of Barrera and Cole to have combined Barrera and Cole. The motivation to combine Barrera and Cole to add new web pages of Cole to the system of Barrera is to allow users of Barrera to incorporate profile building function that specifically includes hot links of related category of each of the new web page data, further indicates the source of the request and it is also noted that client always makes a request for "what is new" that allows users to fetch all the new data entries for those categories from the database as suggested by Cole (See e.g. Cole – col. 6, line 23-40 and fig 3) bringing the advantages of users can order a list of recently added web pages of interest (See e.g. Cole –col. 2, line 50-55). Both Barrera and Cole specifically teach categories and sub-categories (See e.g. Barrera: figure 1 and col. 1, line 46-48; Cole: col. 3, line 54-57) and both specifically teach search engines particularly Yahoo (See e.g. Barrera: figure 1; Cole: col. 3, line 55-56).

The combination of Barrera and Cole is not less optimal; it just can alternative. Barrera is collecting the same data as the claimed invention. Cole adds the obvious alternative of a browser instead of a spider to collect said data. While less data is collected, this is just an alternative not less optimal depending on the goal. It would have been obvious to one skilled in the art to combine Barrera and Cole because a browser is obvious alternative to a spider for collecting web page data.

Applicant argues the prior art rejection based on the amendments to Claim 1 and the "acquiring" step of the independent claims. Citations are provided above for the new requirements of amended Claim 1. Further, since the amendments adds a setting to make the saving automatic without user instruction, this moves the claims closer to the spider described in the prior art of Barrera. Regarding the "acquiring" of all the independent claims, this step was discussed in the interview but no changes were made to clarify the intended meaning or to distinguish it over the cited prior art. The cited art in combination teaches acquiring web page data. Barrera uses web page data that while collected in a different manner than the claimed invention results in the same data being collected and stored. Spiders work much like a user with a browser except must faster to cover more sites. The data gathered is still the same as required by the claimed invention. Cole adds the browser and recently viewed data elements that are missing from Barrera. One of ordinary skill in the art at the time of the invention would be motivated to combine Barrera and Cole to modify Barrera to focus only on the data viewed by the user. Both contain overlapping elements as described above with the motivation statement with Claim 1. Cole is cited for the "newly browsed by a browser client" so the arguments regarding Barrera and this element are moot. Additionally, Barrera teaches the user categorizing the pages so the amount of data actually necessary for the system could be quite small and allow for easy combination with Cole. Therefore, their combination after substituting Cole for the automatic collection of data, teaches the claimed invention. Regarding Claim 99 and the save instruction, additional citations and description are provided above in response to the arguments. Accordingly, Claims 1,50, 52-57, 59-61, 63-64, 66-67, 69, 72-73, 75-77, 93, 97, 99, 101-145, and 147-148 are rejected. Applicant argues the prior art rejection based on the amendments to Claim 1 and the "acquiring" step of the independent claims. Citations are provided above for the new requirements of amended Claim 1. Further, since the amendments adds a setting to make the saving automatic without user instruction, this moves the claims closer to the spider described in the prior art of Barrera. Regarding the "acquiring" of all the independent claims, this step was discussed in the interview but no changes were made to clarify the intended meaning or to distinguish it over the cited prior art. The cited art in combination teaches acquiring web page data. Barrera uses web page data that while collected in a different manner than the claimed invention results in the same data being collected and stored. Spiders work much like a user with a browser except must faster to cover more sites. The data gathered is still the same as required by the claimed invention. Cole adds the browser and recently viewed data elements that are missing from Barrera. One of ordinary skill in the art at the time of the invention would be motivated to combine Barrera and Cole to modify Barrera to focus only on the data viewed by the user. Both contain overlapping elements as described above with the motivation statement with Claim 1. Cole is cited for the "newly browsed by a browser client" so the arguments regarding Barrera and this element are moot. Additionally, Barrera teaches the user categorizing the pages so the amount of data actually necessary for the system could be quite small and allow for easy combination with Cole. Therefore, their combination after substituting Cole for the automatic collection of data, teaches the claimed invention. Regarding Claim 99 and the save instruction, additional citations and description are provided above in response to the arguments. Accordingly, Claims 1,50, 52-57, 59-61, 63-64, 66-67, 69, 72-73, 75-77, 93, 97, 99, 101-145, and 147-148 are rejected.